Remarks:

This amendment is submitted in an earnest effort to
advance this case to issue without delay.

Claims 1 and 11 have been amended by incorporation into
them of the subject matter of respective claims 2 and 12, which
have been canceled.

In addition some minor errors in several claims have been
corrected, and two new dependent claims have been added to features
recited in the original disclosure. No new matter has been added.

More particularly the two independent claims in the case
now recite that the set of physical dimensions comprises any
combination of physical dimensions selected from the group
comprising

> signal power received by the mobile terminal
>> starting from the base station,
> timing advance,
> observed time differences, and
> time of arrival.

The systems of the prior art are not able to combine all
types of measurements -- power, Timing Advance (TA), Observed Time
Difference (OTD), Time Of Arrival (TOA) -- in a flexible way, but

23113AM2.WPD

instead are limited at most to combining them in a rigid fashion so
that, when the prescribed measurements are not available, the
locating system is incapable of adapting itself to the real
measurement scenario, and therefore is not able to perform its
function (see page 4, line 33 - page 5, line 7 of the International
application as published).

The solution of the present invention overcomes these
drawbacks by being able to exploit any type of measurement and any
combination of available measurements (power, TA, OTD, TOA), and
thus it can adapt from time to time to the contingent situation of
the measurement scenario. See page 15, lines 24-27.

US 2003/0096622 of Moilanen states in ¶0008 that location
information may be obtained by calculating the geographical
location from range or range difference (RD) measurements, examples
of which are OTD, E-OTD, TOA. The measurements according to ¶0009
are done by at least three base stations covering the area in which
the mobile station is currently located. The measurement by each
of the base stations gives the distance (range) between the base
station and the mobile station or distance difference (range
difference) between the mobile station and two base stations. Each
of the range measurements generates a circle that is centered on
the respective base station, and the mobile station is determined
to be located at the intersection of the circles. Each of the
range difference measurement by two base stations creates instead a
hyperbola.

23113AM2.WPD

Moilanen discloses in ¶0046 that each of the base stations provides two range difference (RD) measurement hyperbolas, and ¶¶0049 - 0061 state that the cost function $g(x)$ includes the range difference measurements RD_{ij} between a reference BTS and a i-the BTS. Furthermore ¶0061 states that, for example, in the E-OTD the mobile station may make several OTD measurements, these OTD1, OTD2, OTD3,..., OTDn being for a certain BTS pair.

From all this it appears that the solution of Moilanen does not encompass the possibility of exploiting any combination of physical dimensions selected from the group constituted by signal power received by said mobile terminal starting from said at least one base station, timing advance, observed time differences, and time of arrival. In the solution of Moilanen, only homogeneous measurements are used (either OTD, or E-OTD, or TOA). The RD measurements that enter into the cost function $g(x)$ are all measurements of a same physical dimensions, which can be the OTD, or the E-OTD, or the TOA, but not any possible combination of different physical dimensions measurements.

Thus, the solution of Moilanen suffers from the problem that, when the prescribed measurements are not available, the locating system is incapable of adapting itself to the real measurement scenario, and therefore is not able to perform its function.

US 6,728,545 of Belcea has been cited in connection with a feature that we have removed from the independent claims,

23113AM2.WPD

rendering this reference moot. Furthermore, Belcea is totally silent about the possibility of exploiting any combination of different types of physical dimensions measurements.

Thus the amended claims clearly define over the cited art under §103. Allowance of all claims and passage to issue are in order.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this case, the examiner is invited to call the undersigned to make the necessary corrections.

K.F. Ross P.C.

//Andrew Wilford//

by: Andrew Wilford, 26,597
Attorney for Applicant

14 March 2008
5683 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: 718 884-6600
Fax: 718 601-1099
Email: *email@kfrpc.com*

Enclosure: Extension (one month)

23113AM2.WPD